

REMARKS

Claim 23 has been amended so as to emphasize that the instrument is a foldable disposable article of flexible material which can be carried conveniently and discreetly by the user in a stored condition, and in which the components of the article in folded condition are substantially flush with each other.

Reconsideration is accordingly respectfully requested, for the rejection of the claims as unpatentable over SUYDAM in view of DYE, and further in view of BORTLE, or further in view of McWHORTER, and still further in view of PERSSON or GRIFFITTS or OXLEY, or further in view of LeVEEN et al.

In the first place, such a simple invention cannot properly be rejected on accommodation of so many references. For a device so simple as the present invention, such a cumbersome rejection sinks under its own weight. Thus, a person of ordinary skill in this art, which is a very simple and straightforward art, would never arrange the complicated mosaic of the references set forth in the Official Action, in order to produce in any obvious way the simple and straightforward structure of the present invention.

Moreover, the present invention provides a urological measuring instrument which can be used to measure characteristics of urine flow and can be carried conveniently and discreetly by a user so that the user is able to measure urine flow at any given moment at any given place.

To this end, a urological measuring instrument according to the invention is in a folded position in a storage state with components of the instrument lying folded onto each other, and which instrument can be brought manually into a ready-to-use state for measuring urine flow. Because of the folded position, the instrument is relatively compact and can hence be carried along conveniently and discreetly by a user.

SUYDAM does not disclose a urological measuring instrument capable of assessing urine flow. All it discloses is a collection device for urine which may be convenient for a person experiencing the need to eliminate urine. There is no disclosure whatsoever in SUYDAM of providing such a device with flow indicator means for assessing urine flow. Particularly the neck portion (30) of the funnel (28) is nowhere disclosed to comprise such indicator means or even to be capable of indicating the magnitude of the urine flow.

Moreover, although the funnel of SUYDAM can be brought from a compact storage state to an expanded ready-to-use state by folding the rim component of the funnel, SUYDAM gives no indication nor any suggestion to fold the components of the collection device onto each other in the storage state. Only the funnel is folded into the storage bag in the storage state. The present invention is hence clearly novel over SUYDAM.

A combination of SUYDAM with any of the other cited documents, particularly DYE, will still not result in the

instrument according to claim 23. DYE does not disclose a foldable and disposable article. Combining the receiving member of SUYDAM with the measuring instrument of DYE would not render a device which is foldable as a whole as a disposable article formed substantially of flexible material. This combination would teach a skilled person only to add the rigid tubular indicator means of DYE to the receiving member of SUYDAM in order to provide measuring capabilities. The combination does not teach the skilled person how the rigid indicator means of DYE could be conceived as a foldable measuring instrument that has a compact storage state and hence can be carried conveniently and discreetly by a user. In view of the above, the instrument according to claim 23 is both novel and non-obvious over the combination of SUYDAM and DYE.

A further combination of SUYDAM, in view of DYE, with BORTLE would be non-obvious to a skilled person. But even such further combination would not result in the instrument according to claim 23. BORTLE is concerned with a urine conduit which is useful for a person experiencing the need to eliminate urine wherever standard toilet facilities are unavailable. In BORTLE there is no disclosure whatsoever of providing such a device with flow indicator means for assessing urine flow, which may be brought into a folded state for convenient storage. All that BORTLE teaches is that the urine conduit itself can be folded into a relatively compact storage state. This does not teach a

person skilled in the art how to bring the measuring device of DYE into a compact storage state with the components lying folded onto each other.

The fundamental combination of references being useless for indicating obviousness of the present invention, it is not necessary to go into detail as to the further references, which do nothing to improve the rejection on the more basic references.

As the claims now in the case clearly bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



---

Robert J. Patch, Reg. No. 17,355  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

RJP/mjr